

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO

3 UNITED STATES OF AMERICA,

4 Plaintiff,

Crim. No. 06-008 (JAF)

5 v.

6  
7 JUAN VAZQUEZ-MONSERRATE (03),

8 Defendant.

9 O R D E R

10  
11 Defendant's case and order on appeal involve the district  
12 court's denial of crack retroactivity benefits under 18 U.S.C.  
13 § 3582(c)(2). No excusable neglect or meritorious issue on appeal  
14 has been presented to the court to prompt the validation of a late  
15 appeal.

16 We have reviewed the record again. Defendant's sentence is  
17 governed by a 120-month statutory mandatory minimum term of  
18 imprisonment for which the crack retroactivity amendments afford no  
19 relief.

20 The request for a late appeal is **DENIED**.

21 **IT IS SO ORDERED.**

22 San Juan, Puerto Rico, this 11<sup>th</sup> day of September, 2008.

23 S/José Antonio Fusté  
24 JOSE ANTONIO FUSTE  
25 Chief U. S. District Judge